

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:
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THE FINANCIAL OVERSIGHT AND : PROMESA
MANAGEMENT BOARD FOR PUERTO RICO, : Title III
:
as representative of : Case No. 17-BK-3283 (LTS)
:
THE COMMONWEALTH OF PUERTO RICO *et al.*, : (Jointly Administered)
:
Debtors.¹ :
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**STATEMENT OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS IN
SUPPORT OF URGENT MOTION OF FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD OF PUERTO RICO FOR ENTRY OF ORDER UNDER
BANKRUPTCY RULES 1007(i) AND 2004 AUTHORIZING DISCOVERY AND
COMPELLING DISCLOSURE OF LISTS OF SECURITY HOLDERS**

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors of all Title III Debtors (the “Committee”) submits this statement in support of the *Urgent Motion of Financial Oversight and Management Board of Puerto Rico for Entry of an Order Under Bankruptcy Rules 1007(i) and 2004 Authorizing Discovery and Compelling Disclosure of Lists of Security Holders* [Docket No. 6143] (the “Motion”)² and respectfully states as follows:

1. As explained in the Motion, the Debtors have valuable avoidance actions against holders of bonds issued by the Commonwealth and certain other Debtors to recover many millions of dollars in principal and interest payments that they received on account of those bonds in the event the Court determines that the bonds are invalid. The statute of limitations applicable to such avoidance actions expires on May 2, 2019 for the Commonwealth and shortly thereafter for the other Debtors. Although the Oversight Board, at the Committee’s urging, has been trying to obtain the identities of the beneficial bondholders who would be the defendants in these avoidance actions, they have to date been unsuccessful in these efforts and now require the Court’s urgent assistance to obtain such information by no later than April 19, 2019 so that complaints can be filed against all relevant defendants in advance of the upcoming May 2 filing deadline for the Commonwealth.

2. Granting the relief requested in the Motion will guarantee that the Debtors preserve their valuable causes of action for the benefit of unsecured creditors, assuming that the financial institutions subject to the Motion provide the requested information in a timely manner. Although the Oversight Board has filed a motion [Dkt. No. 6118] (the “Tolling Motion”) asking the Court to toll the statute of limitations applicable to these causes of action,

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

the Committee believes that, even if the Tolling Motion (which the Committee supports) is granted, the Debtors must commence as many avoidance actions as possible in advance of May 2 to fully protect their rights. In short, the Committee believes it is critically important for the Oversight Board to take any and all steps possible to protect the Debtors' valuable claims, including by granting this Motion even if the Tolling Motion is also granted.

3. For all of these reasons, the Committee fully supports the relief requested in the Motion and respectfully requests that the Motion be granted.

Dated: April 8, 2019

/s/ Luc A. Despins

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